

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 09/666,388
ATTORNEY DOCKET NO. Q60803

REMARKS

General remarks.

Claims 1-14 are all the claims pending in the application. These claims have been edited so as to remove unnecessary reference labels and so as to conform more closely to a form common in US practice. Accordingly, claims 6, 8, 10, 11, 12, and 13 have been rewritten in independent form. The claim amendments contain no impermissible new matter. New claim 14 contains no new matter, and is clearly supported in the originally-filed specification (*see, e.g.* page 2, lines 17 to 24).

Applicant respectfully requests the Examiner to withdraw the objection to the claims in view of the above self-explanatory amendments made thereto.

Applicant respectfully requests the Examiner to hold in abeyance the objection to the declaration. The undersigned Applicant's representative is awaiting the new declaration from the inventors, but has not yet received it, and Applicant's representative will file the new declaration after it is received.

The prior art rejections.

Alonso in view of Chen.

The Examiner rejected claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over USP 6,434,700 to Alonso et al., (hereinafter Alonso) in view of USP 6,061,796 to Chen et al. (hereinafter Chen). Of these rejected claims, only claim 1 is independent. Independent claim 1, as now amended, is respectfully submitted to patentably distinguish over the combined teachings of these two references in view of its requirement for:

d. upon an incoming request of communication from said first user terminal to said second user terminal, said subscriber data server locating said respective network access server connected to said second user terminal and notifying

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said second user-terminal based on said request of communication from said first user-terminal; and

e. switching said second user terminal from said second virtual private network to said first virtual private network in response to said locating.

Alonso does not meet the foregoing requirement. In Alonso, an access control server is coupled between a network access server and a network. (column 6, line 52-56.) A database storing user profile information is also coupled to the access control server. (column 7, line 16-19.) Thereby, the access control server, functioning as the central server, is capable of providing user authentication to the network access server upon request.

In the Office Action, the Examiner interpreted this control of access over a secured network as locating the specific network access server which hosts the destination user terminal. It is respectfully submitted, however, that, in Alonso, there is only one network access server coupled to the central server. As a result, Alonso does not contain teaching of a server like the required subscriber data server that is coupled to multiple network access servers with terminals that belong to different virtual private networks. Therefore, Alonso would not meet the requirement of locating a specific network access server among multiple network access servers that are coupled to the central server. Furthermore, Alonso does not teach or suggest switching a user terminal from one virtual private network to another.

Chen does not compensate for any of the above-identified deficiencies of Alonso. Chen is concerned with communication between a server and clients within only the same virtual private network. (column 6, line 35-48.) As a result, Chen does not contain teaching of locating a specific network access server among multiple network access servers that belong to different virtual private networks, or of switching any user terminal from its own virtual private network to another virtual private network. Although Chen discloses a method of peer-to-peer communication, the method uses a central server to establish a tunnel for the peer-to-peer communication instead of switching the virtual private network one of the peers belongs to.

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Furthermore, Chen teaches establishing communication between peers within only the same virtual private network. Thus, Chen provides no evidence at all of prior art teaching of switching an user terminal from one virtual private network to another.

Even taken together for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references cannot reasonably be said to render the subject matter of independent claim 1 unpatentable within the meaning of 35 U.S.C. § 103(a), let alone its dependent claims 2-5. Additional, untaught modifications would have been required.

Therefore, applicant respectfully requests the Examiner to withdraw this rejection of independent claim 1, and all of its dependent claims.

Independent claim 6.

Independent claim 6, as now amended, requires:

switch notification reception means for receiving a request, from one of said user terminals, to initiate a switch-over of a connection from one of said virtual private networks to the other;

switching means, coupled with said switch notification reception means, for performing said switch-over of said connection; and

In view of the requirements relating to switch-over from one VPN to another in response to the request message, Applicant respectfully submits that the arguments made with respect to independent claim 1 apply in a similar way here. For analogous reasons, therefore, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 6 and its dependent claims 7 and 9.

Independent claims 8, 10, 11, 12, and 13.

In each of these independent claims, there is some requirement relating to VPN switch-over. Applicant has already demonstrated that neither Alonso nor Chen teaches or suggests such a function or feature. Therefore, the artisan of ordinary skill would not have (and could not have)

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combined the applied references in the manner suggested by the Examiner to produce the subject matter of any of these independent claims. Applicant therefore respectfully requests the Examiner to allow claims 10-13, as now amended.

New claim 14.

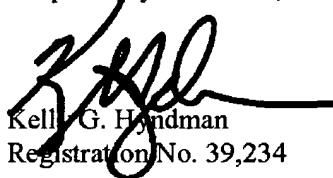
New claim 14 patentably distinguishes over the prior art at least in view of its dependency from independent claim 1.

Conclusion and request for telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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